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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,151	09/07/2004	Tomoyuki Shudo	450100-04899	4086

7590 10/11/2006

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EXAMINER

CHANG, YEAN HSI

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/507,151

Applicant(s)

SHUDO ET AL.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/06 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by NEC Corp. (JP 2000-196720 A, hereon NEC720).

NEC720 teaches a portable display apparatus comprising: a main body (6, fig. 1) substantially in the form of a rectangular solid and having a main surface (5), and a cover (3) that has its one surface (2) facing the main body (shown in fig. 4) made to have substantially the same dimensions as those of the main surface of the main body (fig. 6), wherein the cover has a support portion (22, shown in fig. 1) and a display portion (20) arranged along the longitudinal direction thereof, and the support portion is

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coupled to the main body at a position apart from the center along the longitudinal direction thereof (shown in fig. 2) through a first axis (8) that is perpendicular to the main surface of the main body, and pivotable around the first axis on the main surface of the main body (see fig. 2), and the display portion has arranged thereon a display panel (20) facing the main body (see fig. 4), and is coupled to the support portion through a second axis (7) that is perpendicular to the first axis (see fig. 2), and pivotable around the second axis, wherein upon rotation of the support portion approximately 90 degrees around the first axis (180° shown in fig. 1, it may be 90°), the display portion is rotatable separate from the support portion (by comparing figs. 1 and 4) approximately 180 degrees around the second axis (shown in fig. 1) (claim 1); the second axis is arranged at one side of the cover corresponding to the pivot direction around the first axis (shown in fig. 2) (claim 8).

4. Claims 12, 14-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by (JP 2001-169166 A, hereon NEC166).

NEC166 teaches a portable electronic device (fig. 1) comprising: a first body (10) through which a first rotational axis (31, fig. 1) extends, a second body (20+30) connected to the first body (shown in fig. 1) at a point (near 30) on the first body through which the first rotational axis extends, said second body including a first (30) and a second (20) portions, and further comprising a second rotational axis (32), wherein the second portion of said second body is rotatable, separate from the first portion, about the second rotational axis through an arc of at least 180 degrees (shown in comparing

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figs. 10 and 11), and wherein said entire second body is rotatable about the first axis through an arc of at least 90 degrees away from the first body (see fig. 1) (claim 12); wherein the first and second rotational axes are perpendicular to each other (shown in fig. 1) (claim 14); wherein one of the first or second bodies includes a display (21) (claim 15); wherein one of the first or second bodies includes a key pad (fig. 9) (claim 16); and wherein the device is a cellular telephone (see fig. 14) (claim 20).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 rejected under 35 U.S.C. 103(a) as being unpatentable over NEC720 in view of AAPA (Applicant Admitted Prior Art as set forth in page 2, paragraph starting line 11).

NEC720 fails to teach the display panel has its aspect ratio set to be 16:9, and the longitudinal direction of the display panel corresponds to the longitudinal direction of the main body before being pivoted.

AAPA teaches a display of dimension 16:9, and being aligned in either direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC720 with the display taught by AAPA for a better vision of the display.

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC720 in view of Toshiba Corp. (JP 10-312334 A, hereon Toshiba).

NEC720 fails to teach the display panel displays data stored in a semiconductor storage medium which is a detachable memory card and is able to be inserted into an insertion slot formed at one end of the main body.

Toshiba teaches a display panel (11) displays data stored in a semiconductor storage medium (3) that is cable of being inserted into an insertion slot (18) formed at one end of a main body (1b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC720 with the semiconductor storage medium taught by Toshiba for increasing the flexibility of the display.

8. Claims 6-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC720 in view of SanGiovanni (US 6,850,784 B2).

NEC720 fails to teach one end of the main body along the longitudinal direction coupled to the support portion and corresponding one end of the support portion are formed into round shape, and the first axis is located at substantially the center of the rounded portion, and the end of the rounded portion of the support portion has arranged thereon an operation unit that controls displaying data on the display panel.

SanGiovanni teaches a display apparatus (100, fig. 1) comprising a main body (104) having one end (to the right of 104 in fig. 1) along a longitudinal direction coupled

to a support portion (left portion of 102) of a cover (102) and corresponding one end of the support portion are formed into round shape (shown in fig. 1), and the end of the rounded portions of the support portion and the main body have been arranged thereon operation units (116 and 120) that controls displaying data on the display panel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC720 with the display apparatus taught by SanGiovanni for a nice appearance and comfortable to handle.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC720 in view of NEC Corp. (JP 2000-69158, hereon NEC'158).

NEC720 fails to teach the second axis is interlocked with a power switch of the portable display apparatus, and the power switch is turned on when the display portion rotates more than a predetermined angle.

NEC'158 teaches a power switch (43) interlocked with an axis (13), which is turned on when the cover portion (12) rotates more than a predetermined angle (see paragraph [0012]) for power savings and user convenience.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC720 with the power switch taught by NEC'158 for power savings and user convenience.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC720 in view of Sony Corp. (JP 2002-9907 A, hereon Sony).

NEC720 fails to teach the main surface of the main body has formed thereon a track pad that is a planate pointing device.

Sony teaches a display apparatus (fig. 2) comprising a track pad (9) that is a planate pointing device being provided on a main surface of a main body (10) of the display apparatus for operational convenience.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC720 with the track pad taught by Sony for operational convenience.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC166 in view of Sony Corp.

NEC166 discloses the claimed invention except one of the first or second bodies including a track pad.

Sony teaches a display apparatus (fig. 2) comprising a track pad (9) that is a planate pointing device being provided on a main surface of a main body (10) of the display apparatus for operational convenience.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC166 with the track pad taught by Sony for operational convenience.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC166 in view of Toshiba Corp. (JP 10-312334 A, hereon Toshiba).



NEC166 discloses the claimed invention except one of the first or second bodies being configured to receive a memory card.

Toshiba teaches a portable electronic device (11) comprising a main body having a slot (18) being configured to receive a memory card (3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC166 with the slot taught by Toshiba for receiving a memory card for increasing the functional flexibility of the device.

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC166 in view of NEC Corp. (JP 2000-69158, hereon NEC'158).

NEC166 discloses the claimed invention except the second axis being interlocked with a power switch of the portable display apparatus, and the power switch is turned on when the display portion rotates more than a predetermined angle.

NEC'158 teaches a power switch (43) interlocked with an axis (13), which is turned on when the cover portion (12) rotates more than a predetermined angle (see paragraph [0012]) for power savings and user convenience.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC166 with the power switch taught by NEC'158 for power savings and user convenience.

14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC166 in view of Everett (US 6,701,162 B1).

NEC166 discloses the claimed invention except the device being a portable dictionary.

Everett teaches a portable electronic device (10, fig. 1) comprising a dictionary function for storing and recognizing purposes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC166 with the dictionary features taught by Everett for storing and recognizing purposes.

### ***Response to Arguments***

15. Applicant's arguments regarding claim 1 filed 9/18/06 have been fully considered but they are not persuasive. Applicants argue, "the cover in the '720 patent is a single solid component and the display is not, separately from the support, rotatable about an axis." It is respectfully traversed if the cover in '720 is considered including 2 and 22, wherein the display portion 2 (including display 20) is separately from the support portion 22, rotatable about an axis 7.

16. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Correspondence***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-

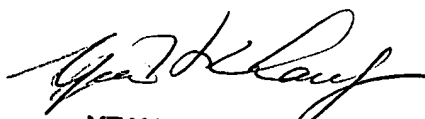
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2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang  
Primary Examiner  
Art Unit: 2835  
September 28, 2006

  
YEAN-HSI CHANG  
PRIMARY EXAMINER